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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,180	11/19/2003	Jonathan W. Smedley	124795-1003	5980

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EXAMINER	
DINH, DUC Q	

ART UNIT	PAPER NUMBER
2629	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/717,180	SMEDLEY ET AL.	
	Examiner	Art Unit	
	DUC Q. DINH	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ~~19/02/04~~. 2-19-04
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive for the Application filed on November 19, 2003. Claims 1-20 are currently pending and being examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on February 19, 2004 is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8-13,15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tokimoto (U.S Patent No 5,548,300).

In reference to claim 1, Tokimoto discloses a display device (Fig. 7) comprising:

a first body (handle 13);

a second body (main body 1) connected to the first body at a rotary connection (rotary ring 4; Fig. 1);

a first display element (LED 2), disposed on the second body (main body 1);

a controller (one-chip microcomputer 9; Fig. 4), electrically connected to the first display element (LED 2) so as to vary the state of the first display element in response to relative movement between the first body and second body (rotation detecting means for obtaining a relative angular position information between the device body and the operation fulcrum member

and rotation speed information, by detecting the at least one mark of the rotary marker; storage means for storing an image data to be displayed by rotational scanning of the light emitting cell array; and display control means for reading out the image data sequentially from the storage means in synchronism with a detection signal by the rotation detecting means; col. 3, lines 1-9).

In reference to claim 2, Tokimoto discloses the first body is a handle (handle 13 in Fig. 7).

In reference to claim 3, Tokimoto discloses the second body (main body 1) has a generally-rectangular shape (Fig. 1 and 7) and is connected to the first body (handle 13) adjacent to an edge (at the end having rotary 4) of the rectangular shape.

In reference to claim 4, Tokimoto discloses the second body (main body 1) has a proximate end (at rotary 4 in Fig. 1) adjacent the first body (handle 13; Fig. 7) and a distal end (at 1a), and wherein the first display element (first LED 2) is disposed on the second body (main body 1) at the distal end thereof (at element 1a in Fig. 1) (see Fig. 1; col. 4, lines 34-41; Fig. 7; col. 25-33).

In reference to claim 5, Tokimoto discloses the first display element is a light-emitting diode (LED 2; col. 4, lines 36-39).

In reference to claim 6, Tokimoto discloses the device further comprising a second display element (second LED 2 adjacent to the first LED 2 at the distal end (at element 1a in Fig. 1) of the main body 1 in Fig. 1).

In reference to claim 8, Tokimoto discloses a method of displaying a pattern, the method comprising the steps of:

providing a first body (handle 13; Fig. 7);

connecting a second body (main body 1) to the first body (handle 13) at a rotary connection (rotary ring 4); disposing a first display element (LED 2) on the second body (main body 1);

applying an angular velocity to the second body relative to the first body;

varying the state of the first display element in a predetermined pattern (rotation detecting means for obtaining a relative angular position information between the device body and the operation fulcrum member and rotation speed information, by detecting the at least one mark of the rotary marker; storage means for storing an image data to be displayed by rotational scanning of the light emitting cell array; and display control means for reading out the image data sequentially from the storage means in synchronism with a detection signal by the rotation detecting means; col. 3, lines 1-9 and col. 5, line 63 – col. 6, lines 60 and Fig. 5).

In reference to claim 9, Tokimoto the first body is a handle (handle 13 in Fig. 7).

In reference to claim 10, Tokimoto discloses the second body (main body 1) has a generally-rectangular shape (Fig. 1 and 7) and is connected to the first body (handle 13) adjacent to an edge of the rectangular shape (at rotary ring 4).

In reference to claim 11, Tokimoto discloses the second body (main body 1) has a proximate end (at rotary 4) adjacent the first body (13) and a distal end (at 1a), and wherein the first display element (first LED 2) is disposed on the second body at the distal end thereof ((at element 1a, see Fig. 1).

In reference to claim 12, Tokimoto discloses the first display element is a light-emitting diode (LED 2 in Fig. 1; col. 4, lines 36-39).

In reference to claim 13, Tokimoto discloses a second display element (second LED 12 adjacent to the first one of the LED 2 (at element 1a in Fig. 1).

In reference to claim 15, Tokimoto discloses device for displaying a pattern, the device comprising:

a first body (handle 13; Fig. 7);

a second body (main body 1) attached to the first body at a rotary connection (rotary ring 4, Fig. 1);

a first display element (first LED 2 adjacent to element 1a) disposed on the second body emitting a first wavelength (first LED 2 inherently emitting a first wavelength);

a second display element (second LED 2 adjacent to the first display element LED 2) disposed on the second body adjacent the first display element;

means for varying the state of the first display element and second display element in a predetermined pattern in response to an angular velocity applied to the second body relative to the first body (rotation detecting means for obtaining a relative angular position information between the device body, second body, and the operation fulcrum member, first body, and rotation speed information, by detecting the at least one mark of the rotary marker; storage means for storing an image data to be displayed by rotational scanning of the light emitting cell array; and display control means for reading out the image data sequentially from the storage means in synchronism with a detection signal by the rotation detecting means; col. 3, lines 1-9 and col. 5, line 63 – col. 6, lines 60 and Fig. 5)

In reference to claim 16, Tokimoto discloses the first body is a handle (13 in Fig. 7).

In reference to claim 17, Tokimoto discloses the second body (1) has a proximate end (at rotary 4; Fig. 1) adjacent the first body (handle 13) and a distal end (at element 1a), and wherein the first display element (the first LED 2) and second display element (second LED 2 are disposed on the second body at the distal end thereof; see Fig. 1).

In reference to claim 18, Tokimoto discloses first display element and second display element are light-emitting diodes (col. 4, lines 36-39).

In reference to claim 19, Tokimoto discloses the device comprising a third display element (third LED 2 adjacent to second LED 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 7, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokimoto in view of Molinaroli (U.S Patent No. 6,265,984).

In reference to claim 7, and 14, Tokimoto does not disclose the first display element emits a first wavelength, i.e. first color, and the second display element emits a second wavelength, i.e., second color.

Molinaroli discloses a light emitting diode display device for displaying images that can be moved in a pat generally perpendicular with the row of light emitting diodes using first

display element (LED) emits a first wavelength, i.e. red color, and the second display element (LED) emits a second wavelength, i.e., green color satisfying the claimed limitation (col. 6, lines 45-48).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide display elements that could emit different wavelengths as taught by Molinaroli in the device of Tokimoto because the display elements with different wavelengths could be used to indicate the degree of important messages in different colors to attract attention when the display messages are used as traffic control signals (col. 6, lines 50-54; Fig. 1).

In reference to claim 20, Tokimoto does not disclose the second display element emits a second wavelength distinct from the first wavelength.

Molinaroli discloses a light emitting diode display device for displaying images that can be moved in a pat generally perpendicular with the row of light emitting diodes using first display element (LED) emits a first wavelength, i.e. red color, and the second display element (LED) emits a second wavelength, i.e., green color, distinct form the first wavelength satisfying the claimed limitation (col. 6, lines 45-48).

It would have been obvious for one of ordinary skill in the art at the time of the invention to provide display elements that could emit different wavelengths as taught by Molinaroli in the device of Tokimoto because the display element with different wavelength (green color) distinct from the first wavelength (red color) could be used to indicate the degree of important messages in different colors to attract attention from people when the display messages are used as traffic control signals (col. 6, lines 50-54; Fig. 1).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q DINH whose telephone number is (571) 272-7686. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUC Q DINH
Examiner
Art Unit 2629

DQD
July 6, 2006